

STATUTORY WORKSHEET

Multifamily Programs

Project Address: _____

Project Description: _____

Estimated Project Cost: _____

Write "A" in the Status column when the project, by its nature, does not affect the resources under consideration; OR write "B" if the project triggers formal compliance consultation procedures, or requires mitigation. Compliance documentation must contain verifiable source documents and relevant base data.

Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5	Status A/B	Compliance Documentation
Local Zoning Ordinances [Minnesota Housing Requirement]		The project is in accordance with local zoning: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Zoning Letter.</i>
Historic Preservation [36 CFR Part 800]		The project is on the National Register of Historic Places or is located within a historic district: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, SHPO has determined that the project will not have adverse impact on any historically significant place. <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached SHPO Letter.</i> Guidance: http://www.hud.gov/offices/cpd/environment/review/historic.cfm
Floodplain Management [24 CFR 55, Executive Order 11988]		The project is located in a FEMA floodplain: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached FEMA Flood Insurance Rate Map (FIRM).</i> If yes, <i>see attached Flood Insurance Policy.</i> Guidance: http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm FEMA FIRM website: http://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?catalogId=10001&storeId=10001&categoryId=12001&langId=-1&userType=G&type=1
Wetland Protection [Executive Order 11990]		The project is new construction, , requires filling, or the footprint of the existing building will increase: <input type="checkbox"/> Yes <input type="checkbox"/> No If no, the project is compliance. If yes, is the project is located in a wetland type indicated by the National Wetlands Inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached National Wetlands Inventory Map.</i> Guidance: http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm National Wetlands Inventory Data: http://wetlandsfws.er.usgs.gov/wtlnds/launch.html

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Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5 cont'd	Status A/B	Compliance Documentation
Coastal Zone Management Act [Section 307(c), (d)]		<p>The project is located in the Lake Superior Coastal Zone Management boundary: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Appendix D Map</i></p> <p>If yes, is this a rehabilitation project and is it in accordance with local zoning and ordinances? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If project is located in the Lake Superior Coastal Zone Management boundary and is new construction, you must consult with MN DNR (see instructions).</p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/coastal.cfm</p>
Sole Source Aquifers [40 CFR 149]		<p>The project is within five miles of Lake Mille Lacs meaning it will affect Minnesota's only sole source, Mille Lacs Aquifer: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached Mille Lacs Aquifer Map, Appendix C.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/aquifers.cfm</p>
Endangered Species Act [50 CFR 402]		<p>Is the project rehabilitation? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, the project will not require conversion of vacant land, which could destroy or adversely modify Critical Habitats.</p> <p>If no, is the project located in an area where it could harm endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached documentation from U.S. Fish and Wildlife Service.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/endangeredspecies.cfm Endangered Species and Critical Habitat Charts: http://www.fws.gov/midwest/twincities/</p>
Wild and Scenic Rivers Act [Sections 7(b), and (c)]		<p>The project is located more than one-mile from the St. Croix River: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, have the U.S. Department of Interior and MN DNR been contacted for an impact resolution and mitigation requirements have been implemented? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/rivers.cfm</p>
Clean Air Act – [Sections 176(c), (d), And 40 CFR 6, 51, 93]		<p>Currently all counties in Minnesota are not designated as “nonattainment” by the EPA. Project is in compliance. <i>See Attached “Nonattainment Counties” Map, Appendix A</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/cleanair.cfm</p>

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<p>Farmland Protection Policy Act [7 CFR 658]</p>	<p>Is this a rehabilitation project? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, the project will not require conversion of vacant land and is in compliance.</p> <p>If no, does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the Department of Agriculture, Natural Resources Conservation Service (NRCS)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, is the project site is located in an area committed to urban development or water storage? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached documentation.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/farmlands.cfm NRCS-USDA Web Soil Survey: Http://websoilsurvey.nrcs.usda.gov</p>
<p>Environmental Justice [Executive Order 12898]</p>	<p>The proposed project is suitable for its proposed use, based on the criteria in this statutory worksheet, and will not be adversely impacted by adverse environmental conditions: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/justice.cfm</p>

HUD ENVIRONMENTAL STANDARDS

Standard	Status A/B	Compliance Documentation
<p>Noise Abatement and Control [24 CFR 51B]</p>		<p>Is this a rehabilitation project? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes the project does not propose noise sensitive land development and noise attenuation is not required [24 CFR 51.101(a)(2)].</p> <p>If no, answer the following: The project is within 1,000 feet of a major roadway: <input type="checkbox"/> Yes <input type="checkbox"/> No The project is located within 3,000 feet of a railroad: <input type="checkbox"/> Yes <input type="checkbox"/> No The project in located within an airport noise zone: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Visual Assessment Made By:</i> _____ <i>Date:</i> _____</p> <p>If yes to any of the above, is noise attenuation required to bring indoor noise levels to the acceptable HUD Noise Assessment Guidelines (NAG) standard of 65 dB: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached noise analysis.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/noise.cfm</p>
<p>Explosive and Flammable Operation [24 CFR 51C]</p>		<p>The project is located within one-mile of a 100 gallon aboveground tank: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, is there acceptable separation distance between the project and the tank or mitigating measures as defined in 24 CFR 51C are in place or being implemented? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached ASD calculation and, if necessary documentation of mitigating measures.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/explosive.cfm</p>

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<p>Toxic Chemicals and Radioactive Materials [24 CFR Part 58.5(i)(2)]</p>	<p>Is the project site is known to have any leaking underground storage tanks? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See Attached Documentation from MN DNR Leaking Tank Search:</i> http://www.pca.state.mn.us/programs/lust_pSearch.cfm <i>or Environmental Phase I.</i></p> <p>Is the project site is within 2,000 feet of toxic or hazardous waste landfill or other site? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the project site is within one mile of an EPA National Priority List Superfund site? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>See attached MN DNR "What's In My Neighborhood" Maps:</i> http://pca-gis04.pca.state.mn.us/website/mes/mesfin/entry.htm</p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/hazardous.cfm</p>
<p>Airport Clear Zones and Accident Potential Zones [24 CFR 51D]</p>	<p>The project is located within 3,000 feet from the end of a civil runway: <input type="checkbox"/> Yes <input type="checkbox"/> No The project is located within 2.5 miles of a military runway: <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes to either, see attached Airport Clear Zone and Accident Potential Zone maps.</i></p> <p>Guidance: http://www.hud.gov/offices/cpd/environment/review/airport.cfm</p>

Preparer Signature: _____ Date: _____

Preparer Name & Title: _____

For Minnesota Housing Use Only
Determination:

- ☐ This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (status "A" has been determined in the status column for all authorities); OR
- ☐ This project cannot convert to Exempt because one or more statues or authorities require consultation or mitigation. Complete consultation and/or mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 prior to issuing a proceed to work order; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare EA according to 24 CFR 58 Subpart E.

Minnesota Housing Signature: _____ Date: _____

Minnesota Housing Officer Name & Title: _____

Step 1) Determine whether your project is categorically excluded according to the following statute (*most rehabilitation projects will be categorically excluded. New construction projects are not categorically excluded.*)

24 CFR Part 58.35:

58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in extraordinary circumstances (see §58.2(a)(3)) in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in §58.5 is required for any categorical exclusion listed in paragraph (a) of this section.

(a) *Categorical exclusions subject to §58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in §58.5:

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
- (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- (3) Rehabilitation of buildings and improvements when the following conditions are met:
 - (i) In the case of building for residential use (with one to four units), the density is not increased beyond four units, the land use not changed, and the footprint of the building is not increased in a floodplain or in a wetland.
 - (A) Unit density is not changed more than 20 percent;
 - (B) The project does not involve changes in land use from residential to non-residential; and
 - (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - (ii) In the case of non-residential structures, including commercial, industrial, and public buildings:
 - (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
- (4) An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.
- (5) Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed of will be retained for the same use.
- (6) Combinations of the above activities.

Categorically excluded projects allow for a very simple environmental review. You are required to complete the statutory worksheet. Once the statutory worksheet is complete and each of the listed statutes, authorities or HUD environmental standards does not require any mitigation for compliance nor requires any formal permit or license, the environmental review will convert to an Exempt status per Section 58.34(a)(12) after such a determination is made by Minnesota Housing; thus, completing the environmental review process.

If the statutory worksheet is complete and one or more of the listed statutes, authorities or HUD environmental standards requires mitigation for compliance or requires any formal permit or license, the environmental review will not convert to an Exempt status per Section 58.34(a)(12). Such a determination is made by Minnesota Housing. The most common triggers of this requirement will be for historical preservation or floodplain management compliance, although other situations may also trigger this requirement. If this occurs, consultation or mitigation will be required to bring the affected statutes or authorities into compliance. Minnesota Housing, in partnership with the appropriate administrator, must publish an NOI/RROF (Notice of Intent/Request for Release of Funds) in the local paper where the project is located. Finally, Minnesota Housing must obtain an Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 prior to issuing a proceed to work order and disbursing funds.

Step 2) Complete Statutory Worksheet. Below are easy ways to get the documentation necessary for each of the required statutes, authorities or HUD environmental standards on the statutory worksheet. **Documentation is required before Minnesota Housing will accept a statutory worksheet as part of the project set-up procedure.**

When completing the statutory worksheet:

- Write “A” in the Status column when the project, by its nature, does not affect the resources under consideration; OR

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- Write “B” if the project triggers formal compliance consultation procedures, or requires mitigation. Compliance documentation must contain verifiable source documents and relevant base data. **The following items are standard and have already been filled out. They also have a Status of “A” for statutory worksheet purposes:**

Endangered Species: For rehabilitation projects, this requirement will not be triggered since most projects are rehabilitation of existing structures. If needed, send a letter to MN DNR Natural Heritage requesting them to search their database for rare plant or animal species or other significant natural features known to occur within a one-mile radius of the project.

Documentation requirement: Attach documentation displaying zoning designation. If necessary, attach documentation from MN DNR.

Air Quality: Currently all counties in Minnesota are not designated as “nonattainment” by the EPA. Thus, this requirement is not triggered. Attach map entitled “Counties Designated “Nonattainment”. (Check on the status of MN Counties yearly to determine if this still is the case.) If your county ever did receive the designation of “nonattainment,” the county must show proof of being in compliance with the State Implementation Plan (SIP). If you’re interested, the SIP can be found at <http://www.pca.state.mn.us/air/sip.html>.

Documentation requirement: Attach map entitled “Counties Designated “Nonattainment.”

Farmland Protection: In most cases, this requirement will not be triggered for rehabilitation projects. For new construction, provide documentation that shows whether the parcel is designated as prime or unique farmland.

Documentation requirement: If necessary attach documentation displaying land type designation.

The following items are REQUIRED:

Local Zoning Ordinances: Don’t automatically assume the project that you acquired is still zoned for the appropriate land use. It is possible that in its current state the project could still be allowed under a “grandfather clause.”

Documentation requirement: Attach City Zoning Letter.

Historic Preservation: Send SHPO template letter with 402, photographs, and site plans. SHPO has 30 days to respond. If SHPO responds within 30 days that the project may adversely impact a historically significant site, take any action requested. Until SHPO gives clearance, or the 30 day period is up, do not make any changes to the site, including site clearing, demo, grading.

Documentation requirement: Attach SHPO Letter.

Floodplain Management: Go to the following website to get a copy of the Floodplain Insurance Rate Map (FIRM) for the area your project is located in:

<http://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?catalogId=10001&storeId=10001&categoryId=12001&langId=-1&userType=G&type=1>.

FEMA provides a tutorial on how to create a FIRM, which can be found at the following webpage:

http://msc.fema.gov/webapp/wcs/stores/servlet/info?storeId=10001&catalogId=10001&langId=-1&content=firmetteHelp_0&title=FIRMette%20Tutorial.

You can also access these maps in hard copy format from your local county or city offices. Once the FIRM is received, determine if the project site is located within or near a floodplain by placing a star on the location of your project. Record the community name and panel number. If project site is located in a floodplain, an attached Flood Insurance Policy is required.

Documentation requirement: Attach Floodplain Insurance Rate Map (FIRM) and, if necessary, Flood Insurance Policy.

Wetlands Protection: Go to the following website to get a copy of a map utilizing National Wetlands Inventory (NWI) Data:

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<http://www.fws.gov/wetlands/Data/mapper.html>.

Once map is received, determine if the project site is located on a wetland by placing a star on the location of your project. Take action, if necessary.

Documentation requirement: Attach NWI Map for the area your project is located with a star indicating project location.

Coastal Zone Management: Minnesota's Coastal Zone Management Area extends from Duluth to Grand Portage. See Map in Appendix C.

If your project is outside of the Coastal Boundary, the project does not trigger this requirement and your project is in compliance. File a copy of information from the Lake Superior Coastal Program website printout and map entitled "Figure 5: The Coastal Boundary in Minnesota" in Appendix C.

If your project is within the Coastal Boundary, the project does trigger this requirement and the project will have to prove it is following the Coastal Management Plan. Minnesota implements its Coastal Management Plan through local ordinances; therefore, if your project is in compliance with local ordinances it will be in compliance with the Coastal Management Plan.

If the project is rehabilitation of existing structures or the project does not trigger an environmental assessment (EA) or environmental impact statement (EIS), then the aforementioned assumption can stand. If the project does need an EA or EIS, then the appropriate permits and consultation with MN DNR - Minnesota's Lake Superior Coastal Program Personnel is required. (Phone conversation with Pat Collins, Coastal Program Manager (218) 834-6612 pat.collins@dnr.state.mn.us, on May 22nd, 2006 at 3:15pm.)

Documentation requirement: Attach a copy of the map of Minnesota's Coastal Zone Management Area. AND if the project is within Coastal Boundary, attach documentation indicating that your project is in compliance with local zoning and other ordinances.

Sole Source Aquifers: There is only one sole source aquifer in Minnesota. In general, if your project is located more than five miles from the Mille Lacs Lake, this requirement will not be triggered. File a copy of information/map from the EPA – found in Appendix B.

Documentation requirement: Attach a copy of the sole source aquifer map and indicate about how far the project is from the Mille Lacs Lake.

Wild and Scenic Rivers: The St. Croix River has been designated as a Wild and Scenic River by the National Park Service. Determine the proximity of the project to the St. Croix River.

If the project is more than one-mile from the River, the project does not trigger this requirement and your project is in compliance. Attach documentation of the distance to St. Croix River.

If the project is within one-mile, the project triggers this requirement and you must contact the U.S. Department of Interior and MN DNR for an impact resolution and mitigation requirements.

Documentation requirement: Attach documentation displaying distance from the St. Croix River.

Environmental Justice: In general, if all of the other items on the statutory worksheet are in compliance, then environmental justice will be in compliance as well. Environmental justice seeks to reduce the exposure of adverse environmental factors on low-income and minority populations.

Noise: If you answer yes to one of the 3 statements on the worksheet, determine if the project will produce excessive noise levels (65 dB). If the project is rehabilitation it will not cause noise sensitive land development [24 CFR 51.101(a)(2)]. Alternative documentation is needed when the project requires conversion of land use (i.e. school to multi-family), new construction or excessive noise levels as indicated by 24 CFR 51.101(8) and 24 CFR 51.101(9). In these cases, documentation should include distances to noise generators, as indicated above, and/or noise attenuation measures used to bring project into acceptable noise levels.

Documentation requirement: Attach any documentation from visual observation indicating who conducted and when the visual assessment took place to confirm location of roadways, railroads and airports. If necessary, documentation showing that noise attenuation has occurred to bring noise levels as outlined in HUD's Noise Assessment Guidelines.

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Hazardous Operations: There are several steps to fulfill analysis requirements:

1. Use the MN Pollution Control Minnesota Aboveground / Underground Storage Tank Site Search Database to determine if there are any aboveground tanks near the project site:

http://www.pca.state.mn.us/programs/lust_pSearch.cfm. If the project is located within one-mile of a 100 plus gallon aboveground tank, determine if there is a sufficient barrier (natural or manmade) between the tank and the site.

2. Field Observation.

Document all findings from above and determine whether they will adversely affect the project.

Documentation requirement: Attach documentation indicating whether the project is located within one-mile of a 100 gallon aboveground tank and whether there a sufficient barrier (natural/manmade) between the tank and the site AND any other documentation from visual observation indicating who conducted and when the visual assessment took place.

Toxic or Hazardous Substances and Radioactive Materials: In order to do a complete analysis for this requirement, there are several sources for this information:

1. Use the MN Pollution Control Minnesota Aboveground / Underground Storage Tank Site Search Database for locating for known tanks that have leaked:

http://www.pca.state.mn.us/programs/lust_pSearch.cfm

2. Use “What’s in My Neighborhood?” GIS-Based Search for locating known and potential sources of soil and ground water contamination:

<http://pca-gis04.pca.state.mn.us/website/mes/mesfin/entry.htm>. Click on “Enter Interactive Mapping Application” to use the mapping program.

3. Field Observation. Visit site and look around to determine if there are other neighborhood facilities in the vicinity of the project that can adversely affect the project’s site. If necessary, per local or state code, use qualified inspectors to determine whether there are interior hazards such as asbestos and lead based paint that can adversely affect the project. Document all findings from above and determine whether they will adversely affect the project.

Documentation requirement: Attach a copy of the print-out from the Pollution Control Minnesota Aboveground / Underground Storage Tank Site Search Database indicating whether the address of your project shows up on the list or whether there are any nearby sites that may have leaked onto your project site AND attach a copy of the print-out from the “What’s in My Neighborhood?” GIS-Based Search AND any other documentation from visual observation indicating who conducted the assessment and when the visual assessment took place.

Airport Clear Zones: Determine if the project is within 3,000 feet of a civil airport or 2.5 miles of a military airport. Document distance from any airports. See Appendix D for location of Minnesota Airports.

Documentation requirement: Attach a written statement and/or map indicating the distances to the nearest airports.